

ORDINANCE NO. 116-16

**AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY
AVON 25 REAL ESTATE LLC ON PROPERTY IT OWNS IN
THE VICINITY OF 33200 HEALTH CAMPUS BLVD.
AND DECLARING AN EMERGENCY**

WHEREAS, Avon 25 Real Estate LLC, the owner of land adjacent to the Avon Senior Living development (Edward Rose) located at 33200 Health Campus Blvd., has constructed sanitary sewer and water lines to service said development pursuant to a Developer's Agreement entered into with the City of Avon and approved by City Council in Ordinance No. 116-14 passed January 12, 2015; and

WHEREAS, said improvements have been inspected by the City's Engineer, who has certified that said improvements have been constructed in accordance with the terms set forth in the Developer's Agreement and in conformance with City Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City of Avon, Lorain County, Ohio, hereby accepts the installation/construction of public utilities (sanitary sewer and water lines) adjacent to 33200 Health Campus Blvd. to serve the adjacent property owned by Edward Rose Properties, Inc. and subject to the Developer meeting all conditions set forth in Section 2 below.

Section 2 - The City's acceptance of dedication of the public improvements herein is contingent upon the Edward Rose Properties, Inc, in lieu of the Developer Avon 25 Real Estate LLC, providing the City with the following: (1) a cash deposit in the sum of Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars to cover miscellaneous costs incurred by the City relating to this Development; and (2) a maintenance bond in the amount of Seven Thousand One Hundred Eighty and 00/100 (\$7,180.00) Dollars; and (3) a payment of Three Hundred Seventy Three and 18/100 (\$373.18) Dollars for the Stormwater Drainage Improvement Fund. Upon compliance with all the requirements set forth herein, the Finance Director shall authorize the Developer's (Avon 25 Real Estate, LLC) lending institution to release the acquisition and development escrow account.

Section 3 - Upon recommendation of the Law Director and the City Engineer, the Finance Director shall authorize the release of all or part of deposits for legal and engineering fees set forth in the Developer's Agreement to Avon 25 Real Estate, LLC.

Section 4 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 5 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to accept the public improvements constructed by Avon 25 Real Estate, LLC (sanitary sewer and water lines) adjacent to the Avon Senior Living development (Edward Rose) located at 33200 Health Campus Blvd; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director